



Attorney Docket No.: Q72953

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-23 are all the claims pending in the application. Claims 11, 12, 14 and 15 remains withdrawn from further consideration. By this Amendment, Applicant is amending claims 1 and 22, and adding new claims 24-26. No new matter is added.

Claim to Foreign Priority

Applicant requests the Examiner to acknowledge the claim to foreign priority and to confirm that the certified copy of the priority document was received.

Excess Claim Fee

Submitted herewith is an Excess Claim Fee Payment Letter with fee.

Art Rejections

1. Claims 1-8, 13, 16-17 and 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rose (US 2,096,920).
2. Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by Steer et al. (US 5,226,564).
3. Claims 9-10 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose (US 2,096,920).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-8, 13, 16-17 And 19-22 In View Of Rose (US 2,096,920).

In rejecting claims 1-8, 13, 16-17 and 19-22 in view of Rose (US 2,096,920), the grounds of rejection state:

Rose shows a fluid dispenser comprising a reservoir enclosed by a film 1, orifice 5, and an elastic (lines 8-51) head portion 7 for connecting the actuating wall and backing wall 8 and 9.

Office Action at page 2.

Rose discloses a powder dispenser having a reservoir formed by an envelope 1. This reservoir contains an expansion member 3 as well as powder. The member 3 is part of the contents of the reservoir and is freely received therein.

Claim 1 requires, *inter alia*, that “the body and at least one film together form the reservoir.” This feature is clearly not taught or suggested by Rose, in which the expansion member 3 does not form the reservoir, but is contained therein.

Claim 22 recites that “the body and the film form together a reservoir.” This feature is also not taught or suggested by Rose, in which the expansion member 3 does not form the reservoir, but is contained therein.

In view of at least the foregoing differences, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1-8, 13, 16-17 and 19-22.

2. Claim 23 In View Of Steer et al. (US 5,226,564).

In rejecting claim 23 in view of Steer et al. (US 5,226,564), the grounds of rejection state:

Steer et al show a dispenser having two sealing films 60 and 66 and a dispensing orifice 64 .

Office Action at page 2.

Regarding claim 23, the grounds of rejection do not address all the limitations of this claim. In particular, Steer does not teach or suggest a deformable cylinder having two opposite edges in which two sealing films are respectively secured to close the cylinder and form a fluid reservoir. The differences between the dispenser recited in claim 23 and what is disclosed in Steer are so great that Steer cannot be considered relevant to the patentability of claim 23 and the Examiner is requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

1. Claims 9-10 And 18 Over Rose (US 2,096,920).

In rejecting claims 9-10 and 18 over Rose (US 2,096,920), the grounds of rejection state:

Rose lacks a piece of porous material adjacent the orifice. As admitted by applicant on page 8, lines 8-16 the porous material can be omitted. Further having a porous material adjacent a dispensing orifice is notoriously well known to filter out any debris. It would have been obvious to one of ordinary skill in the art to have modified Rose with a porous material because applicant admission that this is not a patentably critical feature and because having a filter adjacent an orifice is notoriously well known in the art.

Office Action at pages 2-3.

Without agreeing to or substantively commenting on this rejection, claims 9, 10 and 18 - 10 are allowable at least by reason of their respective dependencies.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 24-26, which are allowable at least by reason of their respective dependencies.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/645,664

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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